Reference for a preliminary ruling from the Sąd Okręgowy we Wrocławiu (Poland) lodged on 9 May 2011 — Iwona Szyrocka v SIGER Technologie GmbH

(Case C-215/11)

(2011/C 219/08)

Language of the case: Polish

Referring court

Sąd Okręgowy we Wrocławiu

Parties to the main proceedings

Claimant: Iwona Szyrocka

Defendant: SIGER Technologie GmbH

Question referred

1. Is Article 7 of Regulation (EC) No 1896/2006 of the European Parliament and of the Council of 12 December 2006 creating a European order for payment procedure [1] to be interpreted as:

   (a) governing exhaustively all the requirements which must be met by an application for a European order for payment, or

   (b) determining only the minimum requirements for such an application and requiring that the provisions of national law be applied to the formal requirements for an application in the case of matters not governed by that provision?

2. If Question 1(b) is answered in the affirmative, where the application does not meet the formal requirements laid down in the law of the Member State (for example, the copy of the application intended for the opposing party has not been attached or the value of the subject-matter of the dispute is not specified), must a request for the claimant to complete the application be made pursuant to provisions of national law, in accordance with Article 26 of Regulation No 1896/2006, or pursuant to Article 9 thereof?

3. Is Article 4 of Regulation No 1896/2006 to be interpreted as meaning that the features of a pecuniary claim that are referred to in that provision, that is to say the fact that it is of a specific amount and has fallen due at the time when the application for a European order for payment is submitted, relate only to the principal claim or also to the claim for default interest?

4. On a correct interpretation of Article 7(2)(c) of Regulation No 1896/2006, where the law of a Member State does not provide for the automatic addition of interest is it possible, in a European order for payment procedure, to demand in addition to the principal:

   (a) all interest, including that known as 'open interest' (calculated from the day on which it falls due expressed as a specific date to a day of payment not specified by date, for example, 'from 20 March 2011 to the day of payment');

   (b) only interest calculated from the day on which it falls due expressed as a specific date to the day on which the application is submitted or the order for payment is issued;

   (c) only interest calculated from the day on which it falls due expressed as a specific date to the day on which the application is submitted?

5. If Question 4(a) is answered in the affirmative, how must the court's decision on interest be formulated in the order for payment form, in accordance with Regulation No 1896/2006?

6. If Question 4(b) is answered in the affirmative, who must indicate the amount of interest: the party concerned or the court of its own motion?

7. If Question 4(c) is answered in the affirmative, does the party concerned have an obligation to indicate the amount of calculated interest in the application?

8. If the claimant does not calculate the interest claimed up until the day on which the application is submitted, must the court calculate that amount of its own motion, or must it then request the party concerned to complete the application pursuant to Article 9 of Regulation No 1896/2006?

[1] OJ 2006 L 399, p. 1.

Reference for a preliminary ruling from the Wojewódzki Sąd Administracyjny w Gdańsku (Republic of Poland), lodged on 11 May 2011 — Forta Sp. z o.o. v Dyrektor Izby Celnej w Gdyni

(Case C-217/11)

(2011/C 219/09)

Language of the case: Polish

Referring court

Wojewódzki Sąd Administracyjny w Gdańsku

Parties to the main proceedings

Applicant: Forta Sp. z o.o.

Defendant: Dyrektor Izby Celnej w Gdyni

Question referred

Must Article 1(11) of Directive 98/34/EC of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations [1] and of rules on Information Society services be interpreted as meaning that the term 'technical regulation', the draft of which must be communicated to the Commission pursuant to Article 8(1) of that directive, includes a legislative measure which prohibits the issuing of authorisations to carry on an activity involving gaming on low-value-prize machines?

[1] Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations (OJ 1998 L 204, p. 37), as amended by Directive 98/48/EC of the European Parliament and of the Council of 20 July 1998 amending Directive 98/34/EC laying down a procedure for the provision of information in the field of technical standards and regulations (OJ 1998 L 217, p. 18).

Reference for a preliminary ruling from the Nejvyšší Správní Soud (Czech Republic) lodged on 11 May 2011 — Star Coaches s.r.o. v Finanční ředitelství pro hlavní město Prahu

(Case C-220/11)

(2011/C 219/10)

Language of the case: Czech

Referring court

Nejvyšší Správní Soud

Parties to the main proceedings

Applicant: Star Coaches, s.r.o.

Defendant: Finanční ředitelství pro hlavní město Prahu

Questions referred

1. Does Article 306 of Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax [1] refer only to supplies made by travel agents to end users of a travel service (travellers) or also to supplies made to other persons (customers)?

2. Should a transport company which merely provides transport of persons by providing bus transport to travel agencies (not directly to travellers) and which does not provide any other services (accommodation, information, consultancy etc.) be regarded as a travel agent for the purposes of Article 306 of Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax?

[1] OJ 2006 L 347, p. 1.

Reference for a preliminary ruling from the Naczelny Sąd Administracyjny (Republic of Poland), lodged on 13 May 2011 — BGŻ Leasing Sp. z o. o. v Dyrektor Izby Skarbowej w Warszawie

(Case C-224/11)

(2011/C 219/11)

Language of the case: Polish

Referring court

Naczelny Sąd Administracyjny

Parties to the main proceedings

Applicant and appellant: BGŻ Leasing Sp. z o. o.

Defendant and respondent: Dyrektor Izby Skarbowej w Warszawie

Questions referred

(a) Must Article 2(1)(c) of Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax [1] be interpreted as meaning that the service providing insurance for a leased item and the leasing service are to be treated as separate services or as one single, comprehensive, composite leasing service?

(b) If the answer to the first question is that the service providing insurance for a leased item and the leasing service are to be treated as separate services, must Article 135(1)(a) of Directive 2006/112, in conjunction with Article 28 thereof, be interpreted as meaning that the service providing insurance for a leased item is to be exempt in the case where the lessor insures that item and charges the costs of that insurance to the lessee?

[1] OJ 2006 L 347, p. 1.

Appeal brought on 20 May 2011 by Caixa Geral de Depósitos S.A against the judgment delivered on 3 March 2011 by the General Court (Eighth Chamber) in Case T-401/07 *Caixa Geral de Depósitos v Commission*

(Case C-242/11 P)

(2011/C 219/12)

Language of the case: Portuguese

Parties

Appellant: Caixa Geral de Depósitos S.A. ('CGD') (represented by N. Ruiz, advogado)